IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

NOTICE OF MOTION NO. 176 OF 2005

IN

NOTICE NO. N/201 OF 2005

Re: Mr. Wilbur Robert Gomes
.....Judgment Debtor

Ex-parte :
Citizen Credit Co-op Bank Ltd
....Judgment Creditor

R.N. Singh i/by. singh and Co.
for judgment creditors.
S.R. Mishra for judgment debtors.

CORAM: S.U. KAMDAR, J.

DATED: 18TH APRIL, 2006.

P.C. :

1. It is an admitted position that there was a conditional stay granted in the recovery proceeding by this court in a writ petition. However the judgment debtor has failed to comply with the condition and thus the said award is valid and subsisting and executable. Learned

counsel relies upon Section 9(5)(b) of the Presidency Towns Act. In my opinion Section 9(5)(b) has no application. The said section applies only where by virtue of any law a relief is granted on indebtedness. There is no such law pointed out in the present case. In view thereof motion dismissed. No order as to costs.

sd/-

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